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Via ECF

The Honorable Jesse M. Furman
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Schulte*, 17 Cr. 548 (JMF)

Dear Judge Furman,

At Mr. Schulte's sentencing hearing and in the subsequent judgment, the Court ordered any motion to amend the Preliminary Order of Forfeiture be filed within two weeks of the date of sentencing. *See* ECF No. 1124. By this letter, the defense respectfully objects to the inclusion of items 2-9 and 14-32, because the government has not "established the requisite nexus between the property and the offense." Fed Rules Crim Proc R 32.2(b)(1)(A). Nor has it shown, as required for forfeiture in Child Sexual Abuse Material ("CSAM"), that any of the devices were "used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property." 18 U.S.C.S. § 2253(a)(3). At trial, the government's witnesses testified that many of these items did not contain any National Defense Information ("NDI"). *See* Trial Transcript at 353-356 (ECF No. 895). Nor was any CSAM alleged to be contained on any of the devices other than one desktop computer.¹

Other than one desktop computer and presumably one portable thumb drive, the government did not allege that any other devices were utilized to commit or to facilitate the commission of the conduct for which he was convicted. As such, we request that the Forfeiture Order be amended to remove these devices.

¹ Upon information and belief, many of the items recovered in the search of Mr. Schulte's resident were not erased or "wiped", or reformatted as proffered by the government at sentencing, but were new media that Mr. Schulte had not used.

Respectfully submitted,

/s/

César de Castro
Shannon McManus

cc: All Parties (*via* ECF)